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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/035,944 03/06/98 FREED

J 027575-152

EXAMINER

021839 TM02/1109  
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WPI DETATIONS, V

ART UNIT

PAPER NUMBER

2684

DATE MAILED:

11/09/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.  
09/035,944

Applicant(s)

Freed

Examiner  
Yemane Woldetatos

Group Art Unit  
2684



- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 1-21 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-21 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterzell et al. (5930692) in view of Wing (5570373).

Claims 1, 8 and 15. Peterzell discloses an apparatus and a method for improving the dynamic range of a receiver, and a system for receiving and transmitting signals: comprising:

a processor for determining the amount for gain adjustment (col. 8 lines 52-62). Peterzell does not specifically mention a processor for computing an error rate. However, Wing teaches a processor for computing error rates (col. 8 lines 22-31). Therefore, it would have been obvious to one of ordinary skill in the art to modify Peterzell's disclosure by Wing's teaching in order to enhance processor's functionality; and

a low noise amplifier with an adjustable input intercept point, wherein the input intercept point is adjusted depending on the computer error rate (col. 5 lines 19-31).

Claims 2, 9 and 16. Peterzell discloses the apparatus, wherein the input intercept point is adjusted based also on a transmit power level (col. 5 lines 19-23).

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Claims 3-5, 10-12 and 17-19. Peterzell discloses the limitations in claims 3-5, 10-12 and 17-19 (col. 5 lines 23-28).

Claims 6, 13 and 20. Peterzell does not disclose the apparatus of claim 1, wherein the computed error rate is a frame error rate. However, Wing teaches a frame error rate (col. 8 lines 22-24). Therefore, it would have been obvious to one of ordinary skill in the art to modify Peterzell's disclosure by Wing's in order to enhance means for determining signal errors.

Claims 7, 14 and 21. Peterzell fails to mention the apparatus of claim 1, wherein a gain of the low noise amplifier is adjusted based on a received signal strength. However, this is inherent in the system.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peterzell et al. (5722063) and Wheatley, III (5732341) teach apparatus, system and method for increasing receiver immunity to interference in a radio communication systems.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane Woldetatos whose telephone number is (703) 308-9596. The examiner can normally be reached on Monday to Thursday from 8:00 am to 5:30 pm). The examiner can also be reached on every alternate Fridays.

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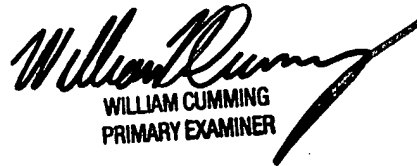
If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Daniel Hunter, can be reached on (703) 308-6732. The fax phone number for the organization where the application or proceedings is assigned is (703) 308-6306 or (703) 308-6296.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Yemane Woldetatos



10-30-00



WILLIAM CUMMING  
PRIMARY EXAMINER